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can be granted.

Cornell Corrections of California, Inc., erroneously served and sued herein as Cornell Corporation, Inc. Maria Richard, Mike Reed, Dora Ford, Judith Henderson, Melody Daniel, and Rose Hughes UNITED STATES DISTRICT COURT NORTHERN DISTRICT COURT OF CALIFORNIA CASE NO. CV 07-4690 PJH NOTICE OF DEFENDANTS' MOTION TO December 19, 2007 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD: PLEASE TAKE NOTICE that on December 19, 2007, at 9:00 a.m., or as soon thereafter

4827-6209-9970.1

as the matter may be heard, in **Department 3**, of the above-entitled Court, defendants move this

Court for an order dismissing plaintiff's action with prejudice since, pursuant to Rule 12(b)(6) of

the Federal Rules of Civil Procedure, plaintiff's complaint fails to state a claim upon which relief

Defendants' Motion is based on this Notice of Motion, the Motion and Memorandum of Points and Authorities and pleadings and papers filed therein on November 9, 2007, plaintiff's complaint, and any other matter the Court deems proper to review at the hearing on this motion. DATED: November 4, 2007 LEWIS BRISBOIS BISGAARD & SMITH LLP Attorneys for Defendants

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